

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOHN G. PEDICINI,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	NO. 04-12395-JLT
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Defendants.	)	

**GOVERNMENT'S MOTION TO DISMISS COUNTS I AND III**

For the reasons set forth in the accompanying memorandum, Defendants request that Counts I and III of this action be dismissed pursuant to Rule 12(b)(1) and (b)(6), Federal Rules of Civil Procedure.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

BY: /s/Anita Johnson  
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Dated: August 3, 2007

**CERTIFICATE OF SERVICE**

I certify that I served the foregoing document upon *pro se* Plaintiff, John G. Pedicini, 10 Milano Drive, Saugus, MA 01906, by first class mail, postage pre-paid, and also by e-mail transmission.

/s/ Anita Johnson